



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. KELLY A BREEN

CHAIR

COMMITTEE MEETING MINUTES

Wednesday, March 8, 2023

3:27 PM

Room 521, House Office Building

The House Committee on Judiciary was called to order by Chair Breen.

The Chair requested attendance be called:

Present: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Absent: None.

Excused: None.

The Chair laid HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148 before the committee:

HB 4138 (Rep. Churches)

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2, 2a, 2b, 12, and 14a (MCL

28.422, 28.422a, 28.422b, 28.432, and 28.434a), section 2 as amended by 2015 PA 200, section 2a as amended by 2016 PA 301, section 2b as amended by 2014 PA 205, section 12 as amended by 2010 PA 209, and section 14a as added by 2010 PA 295.

HB 4139 (Rep. MacDonell)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2016 PA 234.

HB 4140 (Rep. Whitsett)

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4ll.

HB 4141 (Rep. Price)

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ll.

HB 4142 (Rep. Brenda Carter)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 223 and 232a (MCL 750.223 and 750.232a), section 223 as amended by 2012 PA 242 and section 232a as amended by 1990 PA 321.

HB 4143 (Rep. Grant)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2016 PA 234 and section 16m as amended by 2018 PA 637.

HB 4144 (Rep. Brabec)

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 15 (MCL 28.435), as added by 2000 PA 265, and by adding section 9.

HB 4145 (Rep. Puri)

A bill to provide for the issuance of restraining orders prohibiting certain individuals from possessing or purchasing firearms and ordering the surrender and seizure of a restrained individual's firearms; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties; and to provide remedies.

HB 4146 (Rep. Breen)

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2, 2b, 5b, and 8 (MCL 28.422, 28.422b, 28.425b, and 28.428), section 2 as amended by 2015 PA 200, section 2b as amended by 2014 PA 205, and sections 5b and 8 as amended by 2017 PA 95.

HB 4147 (Rep. Brixie)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1908, 2529, and 2559 (MCL 600.1908, 600.2529, and 600.2559), section 2529 as amended by 2014 PA 532 and section 2559 as amended by 2018 PA 261.

HB 4148 (Rep. Young)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 15e to chapter XVII.

Katherine Moore representing the Giffords testified in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148.

Congressman Dave Trott representing the himself testified in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148.

Timothy Carey, Law and Policy Advisor, Johns Hopkins Bloomberg School of Public Health representing himself testified in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148.

Wayne County Prosecutor, Kym Worthy; Washtenaw County Prosecutor, Eli Savit; and Oakland County Prosecutor, Karen McDonald testified in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148. Questions and discussion followed.

Carley Freeman Wechwert and Dr. Adam Spina representing the CEO of People and Parents Against Violence in Schools and himself testified in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148.

Dylan Morris representing the Oxford High School and No Future Without Today testified in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148.

Representative Brixie, Krista Grettenberger and Sloane Forbush representing the Troy Forbush, MSU shooting victim testified in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148.

Danielle Clark and Aaron Van Langevelde representing the Michigan Department of Attorney General testified in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148.

John Lott, President representing the Crime Prevention Research Center testified in opposition to HB 4138, HB 4139, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148. Questions and discussion followed.

At 4:47 PM, the Chair laid the committee at ease.

At 4:54 PM, the Chair called the committee back to order.

Judge Tracey Yokich representing herself testified in support of HB 4145. Questions and discussion followed.

The following people submitted a card in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148, but did not wish to speak:

Beth Berglin, Initiatives & Public Policy Officer, representing the Kalamazoo Community Foundation.

Vic Ledbetter, Director, representing the Truth Racial Healing and Transformation, Kalamazoo Foundation.

Heather Nicholoff, representing the Michigan Council of Nurse Practitioners.

Chelsie Downs-Hubbarth, representing the Creative Consulting Hub.

Anne Kuhnen, representing the Michigan League for Public Policy - Kids Count.

Kevin McKinney, representing the Michigan Osteopathic Association.

Dina Shargabian Stuber, representing the Red Wine & Blue.

Jennifer Norber, representing the Red Wine & Blue.

Phil Neuman, representing the Jewish Community Relations Council - AJC.

Cathy Marshall, representing the Moms Demand Action / End Gun Violence Michigan.
Emily Busch, representing the Oxford High School.
David Batten, representing the his family.
Celeste Kanpurwala, representing the Moms Demand Action.
David Randels, representing the Oakland Schools.
Matt Black, representing the The Michigan Academy of Family Physicians.
Mary Pollock, representing the American Association of University Women of Michigan.

The following people submitted a card in opposition to HB 4138, HB 4139, HB 4140, HB 4141, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148, but did not wish to speak:

Jacob Maerli, representing the National Association for Gun Rights.
Scott Jones, representing the NRA - ILA.

The following people submitted a card in support of HB 4138, HB 4139, HB 4140, HB 4141, HB 4142 and HB 4143, but did not wish to speak:

Dwayne Gill, representing the Alliance for Gun Responsibility.

The following people submitted a card in opposition to HB 4138, HB 4139, HB 4142, HB 4143, HB 4144, HB 4145, HB 4146, HB 4147 and HB 4148, but did not wish to speak:

Brady Schickinger, representing the Michigan Coalition for Responsible Gun Owners.
Dale Hendershot, representing the Michigan Trappers and Predator Callers Association.
Rob Anderson, representing the Michigan Farm Bureau.

The following people submitted a card in support of HB 4138, but did not wish to speak:

Matt Saxton, Executive Director, representing the Michigan Sheriffs' Association.

The following people submitted a card with no position on HB 4145, but did not wish to speak:

Honorable Elizabeth Pollard Hine (retired), representing the herself.

The following people submitted a card in support of HB 4140 and HB 4141, but did not wish to speak:

Rob Anderson, representing the Michigan Farm Bureau.
Rob Mass, representing the Michigan Department of Treasury.

The following people submitted a card in opposition to HB 4138 and HB 4144, but did not wish to speak:

Christopher Lee, representing the National Shooting Sports Foundation.

At 5:41 PM, the Chair laid the committee at ease.

At 5:44 PM, the Chair called the committee back to order.

Representative Edwards moved to adopt substitute (H-1) to HB 4138. The motion prevailed 8-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.
Pass: None.

Representative Hope moved to report out HB 4138 with recommendation, as substitute (H-1).
The motion prevailed 8-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins,
Tsernoglou.
Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.
Pass: None.

Representative Hoskins moved to report out HB 4142 with recommendation. The motion
prevailed 8-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins,
Tsernoglou.
Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.
Pass: None.

Representative Tyrone Carter moved to report out HB 4143 with recommendation. The
motion prevailed 8-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins,
Tsernoglou.
Nays: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.
Pass: None.

1. Amend page 11, line 11, after “(8)” by inserting “This section does not prevent the
transfer of ownership of firearms as follows:

(a)”.

2. Amend page 11, line 15, by striking out “firearm” and inserting “pistol”.

3. Amend page 11, line 17, by striking out “firearm” and inserting “pistol”.

4. Amend page 11, line 22, after the first “the” by striking out “firearm” and inserting
“pistol”.

5. Amend page 11, line 26, after “the” by striking out “firearm” and inserting “pistol”.

6. Amend page 12, line 2, by striking out “firearm” and inserting “pistol”.

7. Amend page 12, line 3, after the second “the” by striking out “firearm” and inserting
“pistol”.

8. Amend page 12, line 5, by striking out “firearm” and inserting “pistol”.

9. Amend page 12, line 11, by striking out “firearm” and inserting “pistol”.
10. Amend page 12, line 13, after “a” by striking out “firearm” and inserting “pistol”.
11. Amend page 12, line 15, by striking out “firearm” and inserting “pistol”.
12. Amend page 12, line 19, after “the” by striking out “firearm” and inserting “pistol”.
13. Amend page 12, line 25, after “seized” by striking out “firearm” and inserting “pistol”.
14. Amend page 12, line 27, by striking out “(a)” and inserting “(i)”.
15. Amend page 13, line 1, by striking out “(b)” and inserting “(ii)”.
16. Amend page 13, following line 2, by inserting:

“(b) This section does not prevent the transfer of a firearm longer than 26 inches in length between family members, unless the transferee is not qualified for a license under this section. For purposes of this subsection, an individual’s family member includes that individual’s parent, child, grandparent, grandchild, spouse, brother, sister, uncle, aunt, and first cousin.”.

The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: Reps. Breen, Edwards, Tyrone Carter, Hope, Arbit, Dievendorf, Hoskins, Tsernoglou.

Pass: None.

There being no further business before the committee, Chair Breen adjourned the meeting at 5:49 PM.

Representative Kelly Breen, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov

Date Adopted: March 15,
2023